

## Message Text

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ACTION NEA-09

INFO OCT-01 ISO-00 SMI-01 SSO-00 OES-03 L-02 NEAE-00 RSC-01

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O 311600Z JAN 75

FM AMEMBASSY TUNIS

TO SECSTATE WASHDC IMMEDIATE 8120

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FOR NEA/AFN -- MACK

PLEASE PASS SMITHSONIAN URGENTLY FOR HIGGINS

EO 11652: N/A

TAGS: OSCI, TBIO, TS

SUBJECT: LEGAL PROBLEMS AT MMSC

1. DIRECTOR OF MEDITERRANEAN MARINE SORTING CENTER MENEZ HAS ASKED EMBASSY TO TRANSMIT FOLLOWING MESSAGE TO ROBERT HIGGINS OF SMITHSONIAN QUOTE BACCAR INSISTS THAT NOTIFICATION FOR NON-RENEWAL OF CONTRACT NOT VALID SINCE NOT COSIGNED BY KTARI. BACCAR SUING MMSC FOR 80,000 DINARS IN DAMAGES. BEN MUSTAPHA AND AZOUZ WILLING TO HELP AND ADVISED RETAINING LAWYER FOR OUR DEFENSE. LAWYER BELIEVES WE HAVE STRONG CASE. REQUEST AUTHORIZATION SOONEST TO RETAIN LAWYER. FIRST COURT HEARING ON 4 FEBRUARY. WE WILL RESOLVE PROBLEM HERE WITH ASSISTANCE FROM LAWYER AND TUNISIAN COLLABORATORS. LETTER WITH DETAILS SENT JAN 29. PLEASE REPLY IMMEDIATELY. SIGNED MENEZ.

2. FURTHER BACKGROUND INFORMATION MAY ALSO BE HELPFUL. PERSONNEL DIFFICULTIES WITH FORMER ASSISTANT DIRECTOR MMSC HEDIA BACCAR AND HER BELIEF THAT HER CONTRACT WITH MMSC WAS TERMINATED ILLEGALLY INITIALLY PRODUCED SIT-IN ON HER  
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PART IN HER PREVIOUS OFFICES AT MMSC AFTER JAN 1. SHE

TOLD MENEZ THAT MINISTER OF AGRICULTURE HAD TOLD HER SHE COULD REMAIN IN CENTER. HER LAWYERS THEN PRESENTED MENEZ WITH LEGAL DOCUMENT STATING OUTLINE OF HER CASE. MENEZ CONSULTED WITH TUNISIAN COUNTERPARTS IN MMSC AND INSTOP ON PROPER COURSE OF ACTION. THEY HAVE BEEN RELUCTANT TO FORMALLY ENTER DISPUTE ON BEHALF OF MMSC. IN ABSENCE OF BACCAR FROM TUNISIA, HER LAWYERS SERVED MENEZ WITH SUMMONS IN WHICH BACCAR SUES MMSC (NOT RPT NOT MENEZ) TO HAVE HER REINSTATED OR TO HAVE MMSC PAY HER EITHGY-THOUSAND DINARS IN EVENT DISMISSAL ACTION NOT CANCELLED, APPARENTLY ON BASIS OF ALLEGED MENTAL AND/OR PHYSICAL DAMAGE DONE BACCAR THROUGH "NERVOUS BREAKDOWN" CAUSED BY HER DISMISSAL. MENEZ HAS MADE INITIAL APPROACH TO LOCAL ATTORNEY WHO FEELS THAT BACCAR'S CONTRACT, DISMISSAL DOCUMENT AND RECEIPTS FOR FINAL PAYMENT PROVIDE SOLID BASIS FOR CASE BY MMSC. MENEZ NOW NEEDS AUTHORIZATION TO RETAIN ATTORNEY IMMEDIATELY.

3. EMBASSY COMMENT: MENEZ HAS COORDINATED CLOSELY WITH EMBASSY AS SITUATION HAS UNFOLDED. WE BELIEVE THAT WHILE COURT ACTION WILL NO DOUBT BE REGRETTABLE AND DISTASTEFUL, HE SHOULD IN FACT PLACE MATTER IN HANDS OF AN ATTORNEY IMMEDIATELY (IN FACT, HE HAS VERY LITTLE CHOICE), AND WE THEREFORE FULLY SUPPORT HIS REQUEST FOR AUTHORIZATION DO SO. PROBLEM OF COURSE IS MMSC'S, BUT WE FULLY INTEND PROVIDE MENEZ WITH WHATEVER HELP WE CAN.  
SEELYE

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